

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
MAGISTRATE JUDGE  
2004 OCT 15 A 10:21

ANN MITCHELL,

Plaintiff,

v.

HALLMARK HEALTH SYSTEM, INC./  
LAWRENCE MEMORIAL HOSPITAL  
and JULIE CHASE SHAUGHNESSY,

Defendants.

04 CV 12169 REK

Civil Action No.

RECEIPT # 59375  
AMOUNT \$ 150.00  
SUMMONS ISSUED NA  
LOCAL RULE 4.1  
WAIVER FORM  
MCF ISSUED  
BY DPTY. CLK. M.P.  
DATE 10/15/04

**NOTICE OF REMOVAL**

The Defendants, Hallmark Health System, Inc./Lawrence Memorial Hospital and Julie Chase Shaughnessy, hereby file this Notice of Removal of the above-captioned action to the United States District Court for the District of Massachusetts, from the Superior Court for Middlesex County, Massachusetts (C.A. No. 04-3788), where the action is now pending, as provided by Title 28, United States Code, Chapter 89.

IN SUPPORT THEREOF, Defendants state as follows:

1. On information and belief, the Plaintiff, Ann Mitchell, commenced this action on or about September 26, 2004 by filing a Complaint in the Superior Court for Middlesex County, Massachusetts entitled Ann Mitchell v. Hallmark Health Systems/Lawrence Memorial Hospital and Julie Shaughnessy, Case No. 04-3788 ("State Court Action"). This action is now pending in that Court.

2. The Defendants first received notice of the Complaint on October 1, 2004, when copies of the Summons, Superior Court Civil Action Cover Sheet and Complaint were served on

the Defendant Hallmark Health System, Inc. This Notice of Removal is being filed within thirty days of that date, in conformity with 28 U.S.C. § 1446(b).

3. Copies of the Summons, Superior Court Civil Action Cover Sheet and Complaint and Jury Demand, which constitute all of the processes and pleadings filed in this matter to date, are annexed hereto as Exhibit A.

4. The State Court Action purports to state a claim under the Family and Medical Leave Act, 29 U.S.C. § 2601 et seq., a federal statute. See Complaint Count I, ¶¶ 40-50.

5. This Notice of Removal is filed within the time provided by 28 U.S.C. § 1446(b) and the Federal Rules of Civil Procedure in that service first was effected on October 1, 2004.

9. This Notice of Removal is being filed in the District of Massachusetts, the district court of the United States for the district and division within which the State Court Action is pending, as required by 28 U.S.C. §§ 1446(a) and 1441(a).

10. Upon filing of this Notice of Removal, the Defendants shall give written notice thereof to counsel for plaintiff, and shall file a certified copy of this Notice of Removal with the Clerk of the Massachusetts Superior Court, Middlesex County.

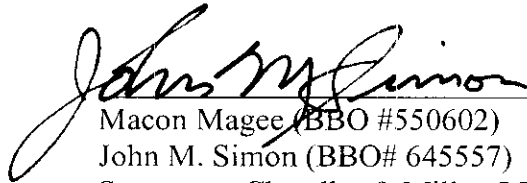
11. By filing this Notice of Removal, the Defendants do not waive any defenses available to them.

WHEREFORE, the Defendants respectfully request that this action proceed in this Court as an action properly removed.

Respectfully submitted,

HALLMARK HEALTH SYSTEM, INC./  
LAWRENCE MEMORIAL HOSPITAL and  
JULIE CHASE SHAUGHNESSY

By their attorneys,



Macon Magee (BBO #550602)

John M. Simon (BBO# 645557)

Stoneman, Chandler & Miller, LLP

99 High Street

Boston, MA 02110

(617) 542-6789

Dated: October 15, 2004

Certificate of Service

I hereby certify that a true copy of the  
above document was served upon the  
attorney of record for each other party  
~~by hand~~ (by hand) on 10-15-04.

